



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8
B. Webb
10/4/02

In re application of: Dinesh Mody

Attorney Docket No.: FMT1P029

Application No.: 09/660,466

Examiner: Ruddy, David M

Filed: September 12, 2000

Group: 3739

Title: SURGICAL MICROWAVE ABLATION
ASSEMBLY

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Washington, DC 20231 on September 23, 2002.

Signed: _____

Agnes Spence

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

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Dear Sir:

In response to the Restriction Requirement dated August 23, 2002, Applicant hereby elects, without traverse, group II, to prosecute in the above-identified patent application. The Applicant also hereby elects, with traverse, species 1-4B to prosecute in the above-identified patent application. For purposes of this requirement, it is believed that claims 36-47, 51, 53, 57, 66, 67, 76, 78-86 and 88-91 read on Figs. 1-4B.

Although it is acknowledged that all the species are patentably distinct, it is respectfully submitted that a search and examination of species 1-4B, 6A-6B, 12A-B, 13A-B, 14A-14B would not seriously burden the Examiner since the species shown in Figs. 1-4B are generally broader than the other species in most respects. For example, Figs. 1-4B are diagrams of an ablation assembly including an ablation tool, device and probe, and Figs. 6A-B are diagrams of a protective sheath that surrounds the outer periphery of the ablation device, Figs. 12A-B are diagrams showing a metallic needle shaft of the probe that is used as an electrical continuation of the outer conductor of the ablation tool, Figs. 13A-B are diagrams of the ablation assembly with a clamping portion for positioning the ablation device proximate the wall of an organ, and Figs. 14A-B are diagrams of the ablation assembly with a ground plane for coupling electromagnetic

energy through an organ wall. Accordingly, it is respectfully requested that the restriction be altered to include one or more of the species of Figs. 6A-6B, 12A-B, 13A-B and 14A-14B. By way of example, if altered it is believed that claims 52, 68-75 and 92-99 read on Figs. 14A-B.

Furthermore, it is respectfully submitted that a search and examination of species of Figs. 5 and 15 would not additionally burden the Examiner. For example, Fig. 5 is diagram of a curved needle shaft of the probe that redirects the position of the antenna device in a position similar to that shown in Figs. 1-4B, and Fig. 15 is a diagram showing a curved section, which redirects the position of a ground plane that is similar to that shown in Fig. 14. Accordingly, it is respectfully requested that the restriction be altered to include the species of Figs. 5 and 15. By way of example, if altered it is believed that claims 54-56 and 61-63 read on Fig. 5.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. FMT1P029).

Respectfully submitted,
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